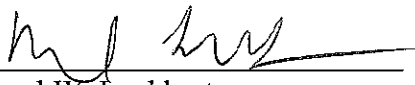


5. There are or may be others who have or may claim some interest in the property to be taken, whose names are unknown to the Plaintiff, and such persons are made parties to this action under the designation "Unknown Owners."

WHEREFORE, Plaintiff demands judgment that the property be condemned, that just compensation for the taking be ascertained and awarded, and that such other relief as may be lawful and proper be granted.

Respectfully submitted,

JOHN L. RATCLIFFE
ACTING UNITED STATES ATTORNEY



Michael W. Lockhart
Assistant United States Attorney
Texas Bar No. 12472200
350 Magnolia, Suite 150
Beaumont, Texas 77701
Phone: (409) 839-2538
Fax: (409) 839-2643
Email: USATXE.CivECFBmt@usdoj.gov

LEAD ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

UNITED STATES OF AMERICA)

Plaintiff)

vs.)

6.66 ACRES OF LAND, MORE OR
LESS, SITUATE IN JEFFERSON
COUNTY, STATE OF TEXAS, AND
SANDRA SMITH MELTON ET AL)

Defendants)

DECLARATION
OF
TAKING

CIVIL NO. _____

TRACT NOS. 907E-4 & 907E-5

TO THE HONORABLE,
THE UNITED STATES DISTRICT COURT:

I, William C. Gibson, Jr., Project Manager, Strategic Petroleum Reserve Project
Management Office, Department of Energy, do hereby declare that:

1. The land hereinafter described is taken under and in accordance with
the authority set forth in Schedule "A" annexed hereto and made a part hereof.

2. The public uses for which said land is taken are also set forth in said
Schedule "A".


3. A general description of the tracts of land being taken, the estimated
just compensation for them, and the estates taken for said public uses are set forth in
Schedule "B" annexed hereto and made a part hereof.

4. A plan showing the land taken is annexed hereto as Schedule "C" and
made a part hereof.

5. The gross sum estimated by me as just compensation for all of said
land, which aggregates 6.66 acres, with all buildings and improvements thereon and all

appurtenances thereto and including any and all interests hereby taken in said land, is **THREE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$3,500.00)**, which sum I cause to be deposited herewith in the Registry of the Court for the use and benefit of the persons entitled thereto. I am of the opinion that the ultimate award for said land probably will be within any limits prescribed by law on the price to be paid therefor.

IN WITNESS WHEREOF, the United States of America, by William C. Gibson, Jr., Project Manager, Strategic Petroleum Reserve Project Management Office, duly authorized by its Secretary of Energy, has caused this declaration to be signed in its name by said William C. Gibson, Jr., this 7 day of AUGUST, 2007 A.D., in the Parish of Jefferson, State of Louisiana.



William C. Gibson, Jr.
Project Manager
Strategic Petroleum Reserve
Project Management Office
Department of Energy

SCHEDULE "A"

AUTHORITY FOR THE TAKING:

The authority for the taking of land is under and in accordance with the Act of Congress approved August 1, 1888 (25 Stat. 357), as amended, 40 U.S.C. §257, repealed and recodified by the Act of Congress approved August 22, 2002 (116 Stat. 1144, 40 U.S.C. §3113); and under the further authority of the Act of Congress approved February 26, 1931 (46 Stat. 1421), 40 U.S.C. §258a, repealed and recodified by the Act of Congress approved August 22, 2002 (116 Stat. 1145, 40 U.S.C. §3114), and the Act of Congress approved December 22, 1975 (Public Law 94-163; 89 Stat. 881), 42 U.S.C. §6239, which authorizes the acquisition of land for the Strategic Petroleum Reserve and related facilities, as modified by the Act of Congress approved August 4, 1977 (Public Law 95-91; 91 Stat. 565) and the Acts of Congress approved August 13, 1981 (Public Law 97-35; 95 Stat. 618), and December 8, 2004 (Public Law 108-447; 118 Stat. 2809), which acts made funds available for such purposes.

PUBLIC USES:

The public uses for which said land is taken are as follows: The said land is necessary for the establishment, management and maintenance of the Strategic Petroleum Reserve and related facilities. The said land has been selected by the United States for the Strategic Petroleum Reserve and for such other uses as may be authorized by Congress or by Executive Order.

SCHEDULE "B"

TRACTS TO BE TAKEN:

TRACT 907E-4

BEING a 25 Foot Wide Road Easement out of and a part of that certain Lovell Lake Co. 12 acre tract of land, more fully described and recorded in Volume 670, Page 26 of the Deed Records of Jefferson County, Texas and that certain Frank Burrell Agency 575.16 acre tract of land, more fully described and recorded in Volume 358, Page 558 of said Deed Records out of the John J. French Survey, Abstract 23, Jefferson County, Texas. Said centerline of the 25 foot road easement being more particularly described as follows:

COMMENCING at the Southwest corner of that certain Donald M. Johnson, et ux called 19.101 acre tract of land, more fully described and recorded in Film Code No. 105-04-1864 of the Official Public Records of said Jefferson County, same being the Northwest corner of said 12 acre tract, and being located in the East Right-of-Way line of Garner Road (30 feet in width);

THENCE South, along and with the West line of said 12 acre tract, same being the East Right-of-Way line of said Garner Road, a distance of 12.5 feet to the **POINT OF BEGINNING** of the herein described easement and being in the centerline of an existing dirt road;

THENCE in an Easterly direction along said 12 acre tract and with the centerline of said 25 foot wide road easement the following courses and distances:

North 87 deg. 24 min. 57 sec. East a distance of 918.77 feet to a point;
North 86 deg. 52 min. 35 sec. East a distance of 1106.25 feet to a point;
North 86 deg. 30 min. 37 sec. East at a distance of 491.58 feet to the East line of said 12 acre tract the same being the West line of the aforementioned 575.16 acre tract, said point being the **POINT OF TERMINATION**.

CONTAINING, 1.44 acres of land, more or less.

END OF DESCRIPTION

TRACT 907E-5

BEING a 25 Foot Wide Road Easement out of and a part of that certain Lovell Lake Co. 12 acre tract of land, more fully described and recorded in Volume 670, Page 26 of the Deed Records of Jefferson County, Texas and that certain Frank Burrell Agency 575.16 acre tract of land, more fully described and recorded in Volume 358, Page 558 of said Deed Records out of the John J. French Survey, Abstract 23, Jefferson County, Texas. Said centerline of the 25 foot road easement being more particularly described as follows:

SCHEDULE "B" CONTINUED

BEING a 25 Foot Wide Road Easement out of and a part of that certain Lovell Lake Co. 12 acre tract of land, more fully described and recorded in Volume 670, Page 26 of the Deed Records of Jefferson County, Texas and that certain Frank Burrell Agency 575.16 acre tract of land, more fully described and recorded in Volume 358, Page 558 of said Deed Records out of the John J. French Survey, Abstract 23, Jefferson County, Texas. Said centerline of the 25 foot road easement being more particularly described as follows:

COMMENCING at the Southwest corner of that certain Donald M. Johnson, et ux called 19.101 acre tract of land, more fully described and recorded in Film Code No. 105-04-1864 of the Official Public Records of said Jefferson County, same being the Northwest corner of said 12 acre tract, and being located in the East Right-of-Way line of Garner Road (30 feet in width);

THENCE South along and with the West line of said 12 acre tract, same being the East Right-of-Way line of said Garner Road, a distance of 12.5 feet

THENCE in an Easterly direction along said 12 acre tract and with the centerline of said 25 foot wide road easement the following courses and distances:

North 87 deg. 24 min. 57 sec. East a distance of 918.77 feet to a point;
North 86 deg. 52 min. 35 sec. East a distance of 1106.25 feet to a point;
North 86 deg. 30 min. 37 sec. East at a distance of 491.58 feet to the **POINT OF BEGINNING** of the herein described easement and being in the centerline of an existing dirt road;

THENCE continuing North 86 deg. 30 min 37 sec. East crossing the East line of said 12 acre tract the same being the West line of the aforementioned 575.16 acre tract, a distance of 902.51 feet to a point;

North 86 deg. 11 min. 44 sec. East a distance of 907.88 feet to a point;
South 60 deg. 25 min. 01 sec. East a distance of 57.20 feet to a point;
South 34 deg. 37 min. 32 sec. East a distance of 57.59 feet to a point;
South 66 deg. 44 min. 54 sec. East a distance of 34.53 feet to a point;
South 74 deg. 52 min. 52 sec. East a distance of 229.55 feet to a point;
South 02 deg. 08 min. 57 sec. West a distance of 723.32 feet to a point;
South 06 deg. 10 min. 42 sec. East a distance of 516.81 feet to a point;
South 20 deg. 30 min. 45 sec. East a distance of 135.92 feet to a point;
South 26 deg. 35 min. 06 sec. East a distance of 98.53 feet to a point;
South 43 deg. 10 min. 38 sec. East a distance of 99.14 feet to a point;
South 49 deg. 25 min. 24 sec. East a distance of 93.78 feet to a point;
South 39 deg. 44 min. 36 sec. East a distance of 95.49 feet to a point;

SCHEDULE "B"CONTINUED

South 33 deg. 06 min. 17 sec. East a distance of 70.81 feet to a point;
South 49 deg. 35 min. 55 sec. East a distance of 40.09 feet to a point;
South 58 deg. 12 min. 47 sec. East a distance of 105.08 feet to a point;
South 66 deg. 33 min. 17 sec. East a distance of 335.83 feet to a point;
South 65 deg. 10 min. 36 sec. East a distance of 201.81 feet to a point;
South 72 deg. 36 min. 42 sec. East a distance of 79.38 feet to a point;
South 72 deg. 08 min. 09 sec. East a distance of 110.47 feet to a point;
South 51 deg. 33 min. 35 sec. East a distance of 106.03 feet to a point;
South 39 deg. 24 min. 25 sec. East a distance of 97.95 feet to a point;
South 51 deg. 21 min. 52 sec. East a distance of 79.61 feet to a point;
South 62 deg. 34 min. 50 sec. East a distance of 132.47 feet to a point;
South 63 deg. 54 min. 21 sec. East a distance of 64.21 feet to a point;
South 79 deg. 53 min. 02 sec. East a distance of 64.31 feet to a point;
South 87 deg. 38 min. 56 sec. East a distance of 92.32 feet to a point;
North 78 deg. 50 min. 41 sec. East a distance of 87.58 feet to a point;
North 75 deg. 34 min. 05 sec. East a distance of 77.05 feet to a point;
North 83 deg. 04 min. 18 sec. East a distance of 84.28 feet to a point;
North 89 deg. 07 min. 58 sec. East a distance of 74.63 feet to a point;
South 85 deg. 17 min. 22 sec. East a distance of 220.08 feet to a point;
South 88 deg. 04 min. 55 sec. East a distance of 202.49 feet to a point;
South 80 deg. 08 min. 08 sec. East a distance of 126.46 feet to a point;
South 04 deg. 08 min. 35 sec. East a distance of 879.01 feet to a point;
South 02 deg. 10 min. 20 sec. East a distance of 1327.72 feet to a point;
South 00 deg. 34 min. 34 sec. East a distance of 478.73 feet to the **POINT OF TERMINATION** of the herein described road easement and being in the North line of an existing valve site and **CONTAINING 5.22 acres of land, more or less.**

END OF DESCRIPTION

SCHEDULE "B" CONTINUED

ESTATE TO BE ACQUIRED:

TRACT NOS. 907E-4 and 907E-5

**PERPETUAL AND ASSIGNABLE NON-EXCLUSIVE JOINT USE ROAD
EASEMENT**

A perpetual and assignable non-exclusive joint use road easement and right-of-way in, on, over and across an existing road described in Schedule B, for access to an existing Department for Energy pipeline right of way and valve site; together with the right to trim, cut, fill and remove therefrom all trees underbrush, obstructions and other vegetation, structures, or obstacles within the limits of the right-of-way; (reserving, however, to the Owners, their heirs and assigns, the right to use said road and to cross over or under the right-of-way as access to their adjoining land,) subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

In the event the landowner relocates the road, the Government reserves the right to have continuous access on said relocated road as passable as that on the existing road during and subsequent to the relocation process.

ESTIMATED JUST COMPENSATION: Three Thousand Five Hundred and No/100 Dollars (\$3,500.00).

SCHEDULE "B" CONTINUED

**NAMES AND ADDRESSES OF PARTIES
WHO HAVE, MAY HAVE OR CLAIM AN
INTEREST IN THE LAND:***

Tract Nos. 907E-4 and 907E-5:

Lovell Lake Co
c/o Sandra Smith Melton
14604 Garner Road
Beaumont, TX 77705-7558

Sandra Smith Melton
14604 Garner Road
Beaumont, TX 77705-7558

Grace E. Burrell
8099 FM 365
Beaumont, TX 77705

William Bradley Burrell
8099 FM 365
Beaumont, TX 77705

Lillian Paige Burrell
8099 FM 365
Beaumont, TX 77705

Walter Todd Burrell
8232 FM 365
Beaumont, TX 77705

Walter Eugene Burrell
5386 Burrell Loop
Beaumont, TX 77705

Lawrence Merendino
8535 FM 365
Beaumont, TX 77705

Barry Wayne Clubb
14470 Boondocks Road
Beaumont, TX 77705-7487

SCHEDULE "B" CONTINUED

PURPORTED OWNERS CONTINUED:*

Deanna Riggs
3111 Stratford Pointe Drive
Sugarland, TX 77478-7314

Wendy Clubb
150 Bendwood Drive
Woodville, TX 75979-7102

Joyce Faye Hankamer
19885 Burrell Wingate Road
Beaumont, TX 77705

Barbara Ann Blanchard
20397 Burrell Wingate Road
Beaumont, TX 77705

J.E. Howard
13086 Craigen Road
Beaumont, TX 77705

Charlotte Ann Rainy
20314 Burrell Wingate Road
Beaumont, TX 77705-8384

Charles Clifford Howard
Address Unknown

Clyde Maurice Howard
12255 Garner Road
Beaumont, TX 77705

Pamela Marie Howard
Address Unknown

Retha Gail Howard Broussard
Address Unknown

SCHEDULE "B" CONTINUED

PURPORTED OWNERS CONTINUED:*

Deborah Colston
20616 Burrell Wingate Road
Beaumont, TX 77705

Christine Edmonds
8333 Longhorn Road
Beaumont, TX 77705

James Barton Winzer
Address unknown

Charles A. Kiker, Jr.
10065 Gaulding Road
Beaumont, TX 77705

John William Kiker
Rt 1 Box 222
Hempstead, TX 77445

Arthur Wingate Kiker
19479 Burrell Wingate Road
Beaumont, TX 77705-8508

Homer Glenn Kiker
19476 Burrell Wingate Road
Beaumont, TX 77705-8505

Joseph Paul Kiker
21431 Deerhaven
Spring, TX 77388

Katherine Ann Settle
P.O. Box 105
Merizon, TX 76941

Bobby Thorton
Burrell Wingate Road
Beaumont, TX 77705

Oma D. Collins
1915 Allenby Road
Germantown, TN 38139

SCHEDULE "B" CONTINUED

PURPORTED OWNERS CONTINUED:*

Edgar Charles Walton, Jr.
19619 Firesign Drive
Humble, TX 77346-2038

Jimmie Compton
6722 Deerwood
Corpus Christi, TX 78413

Evelyn Ann Rathke
8138 Marseille Drive
Corpus Christi, TX 78414

Estate of Wilma B. Smith
11330 Gaulding Road
Beaumont, TX 77705

Estate of George W. Gaulding
821 Madera Place
Fullerton, CA 92835-2443

Lyle Edgar Gaulding
6950 Willis Lane
Beaumont, TX 77708

Gerald W. Gaulding
49 Alma Ave
Orange, TX 77630

Vyvian Gaulding Delage
6950 Willis Lane
Beaumont, TX 77708

Frank Richard Gaulding
Address Unknown

J.F. Gaulding
P.O. Box 117
Winnie, TX 77665-0117

SCHEDULE "B" CONTINUED

PURPORTED OWNERS CONTINUED:*

Jefferson Elmer Boyt
5423 Smallwood
Austin, TX 78756

Mark Cecil Boyt
P.O. Box 650
Devers, TX 77538

Penny Strickland Garnham
Address Unknown

Susan Garnham Ramsey
Address Unknown

Lamar Boyt Maxwell
P.O. Box 398
Devers, TX 77538

Lloyd J. Maxwell
P.O. Box 398
Devers, TX 77538

David George Maxwell
P.O. Box 398
Devers, TX 77538

Donald Ray Maxwell
P.O. Box 398
Devers, TX 77538

Arthur Howell Maxwell
P.O. Box 398
Devers, TX 77538

Harry Lucas, Jr.
2303 Rio Grande Street
Austin, TX 78705-5131

SCHEDULE "B" CONTINUED

PURPORTED OWNERS CONTINUED:*

Maxine Mitchell Marcus
2009 Tangle Lane
Richmond, TX 77469-5125

Ellen C. King
Address Unknown

Gail Weller Schneider
Address Unknown

Bruce H. Weller
3607 Swift Creek
Kingwood, TX 77339

Todd Weller
11075 Mark Circle
Beaumont, TX 77705

Emily Weller Summers
3870 Heatherwood Dr
Beaumont, TX 77706

Audrey Mae Swice Gueringer
650 Reeds Bridge Road
Oberlin, LA 70655-3025

Kip Glasscock
8125 Evangeline Lane
Beaumont, TX 77706-5328

James Derouen
14774 Boondocks Road
Beaumont, TX 77705

Clara Belle Henry
14804 Boondocks Road
Beaumont, TX 77705-7491

Cora Hendrix
219 Chad Lane
Creole, LA 70632-3218

SCHEDULE "B" CONTINUED

PURPORTED OWNERS CONTINUED:*

Marty Howard
14300 Craigen Road
Beaumont, TX 77705-8631

Roni Matthews
8074 Patterson Road
Beaumont, TX 77705-7514

Linda Kura
Address Unknown

Bailey Wingate
Address Unknown

William Wingate
17068 Burrell Wingate Road
Beaumont, TX 77705

Dennis Michael Landry
Address Unknown

James M. Robertson, Trustee
Deed of Trust, The Jim R. Wingate Family Trust
700 Calder
Beaumont, TX 77701

Jim Rosser Wingate and Ruben Daniel Wingate
Trustees of the Testamentary Trust created by the
Last Will and Testament of R.M. Wingate
13312 Griffith Road
Beaumont, TX 77705

John G. Gaulding and Frank E. Gaulding
Trustees of the Frank J. Gaulding Trust
P.O. Box 117
Winnie, TX 77665

SCHEDULE "B" CONTINUED

PURPORTED OWNERS CONTINUED:*

Joan Green Jeffrey
Administrator of the Harry Neal Jeffrey Estate
P.O. Box 679
Devers, TX 77538

Rosa Carrington Heinshon or
Her successors as Trustee for
Rosa Carrington Heinshon Trust
And the Edward Codrington Carrington, Jr. Trust
Address unknown

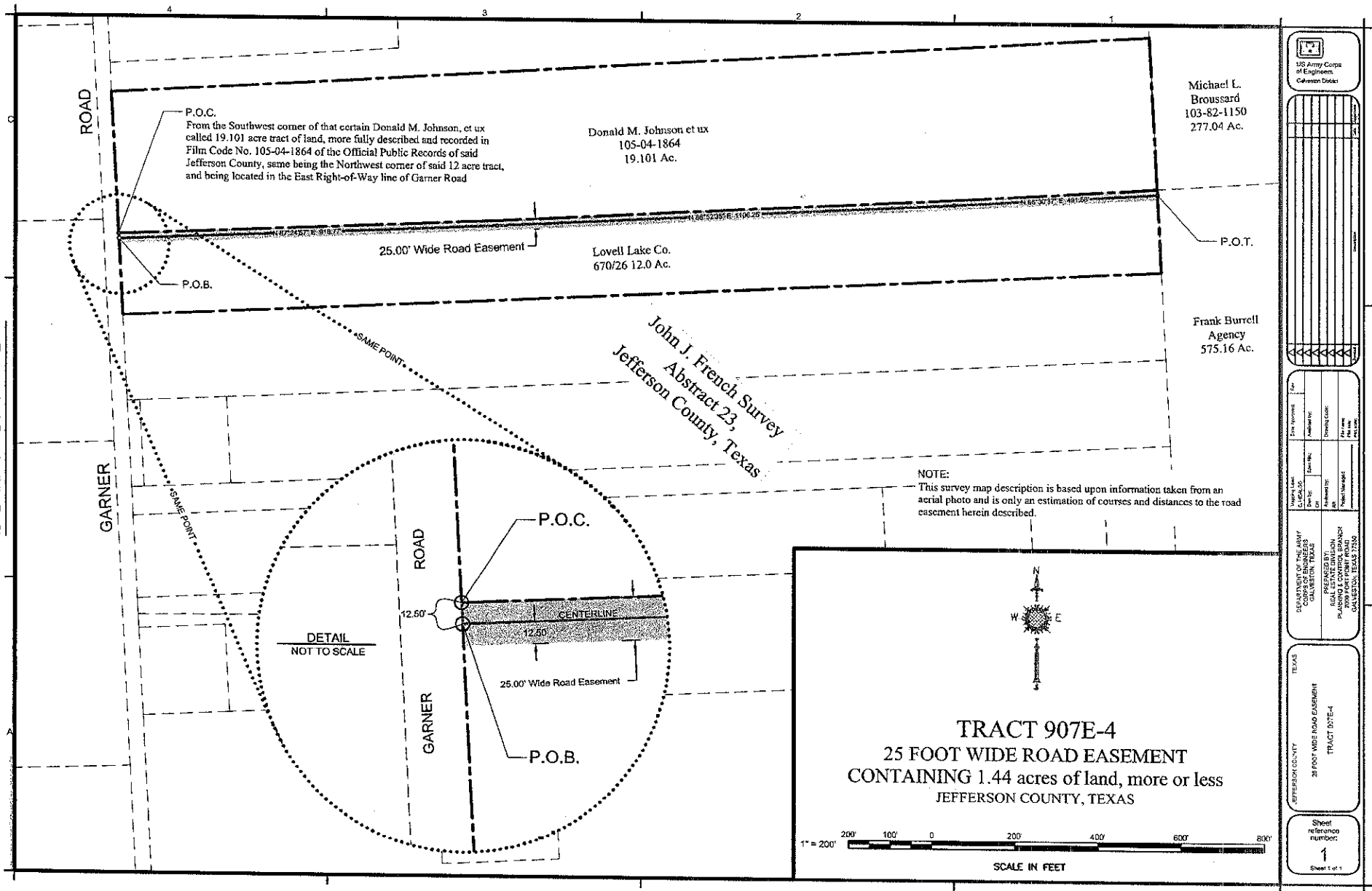
Notice of Leins in Favor of the United States
Against Lamar Maxwell, Lloyd Maxwell, and
David Maxwell
Recorded February 17, 2005,
Jefferson County, Texas
c/o U.S. Attorney's Office
Financial Litigation Unit
P.O. Box 1222
Tyler TX 75710

Mariam K. Johnson
Tax Assessor-Collector
Jefferson County Courthouse
P.O. Box 2112
Beaumont, TX 77704

UNKNOWN OWNERS

*If any of the above are deceased, or in the case of a corporation or other business entity which no longer exists, then their unknown heirs, devisees, executors, administrators, personal representatives, surviving spouses, successors, stockholders, creditors and assigns whose names, ages and addresses are unknown, are hereby substituted in their stead.

SCHEDULE "C"



SCHEDULE "C" Continue

